

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KRISTEN SMALL	:	CIVIL ACTION
	:	
v.	:	
	:	
FIRST RELIANCE STANDARD LIFE	:	
INSURANCE COMPANY, E.M.	:	
INDUSTRIES, INC. and	:	
E.M. SCIENCE	:	NO. 02-3744

O R D E R

**AND NOW**, this day of July, 2002, upon consideration of defendants' Motion to Strike Plaintiff's Demand for Jury Trial (Doc. #7) and plaintiff's response thereto, as plaintiff is suing to recover benefits allegedly due under an ERISA plan; and, as plaintiff is not entitled to a jury trial on such a claim which is equitable in nature, see Cox v. Keystone Carbon Co., 894 F.2d 647, 649 (3d Cir. 1990); Pane v. RCA Corp., 868 F.2d 631 (3d Cir. 1989); Zinman v. Prudential Ins. Co. of America, 909 F. Supp. 279, 281 (E.D. Pa. 1995); **IT IS HEREBY ORDERED** that said Motion is **GRANTED**.

BY THE COURT:

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**JAY C. WALDMAN, J.**